REMARKS

In the Final Office Action[1], the Examiner objected to the drawings; rejected claims 1-5 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,546,422 to Okado ("*Okado*"); and rejected claims 6-8 under 35 U.S.C. § 103(a) as being unpatentable over *Okado* in view of U.S. Patent Appl. No. 2006/0186435 to Sugawara ("*Sugawara*").

Regarding the objection to the drawings, the Examiner objected to the drawings because "they fail to show logic circuits, dead time generating circuits, and etc... because of the blank boxes as described in the specification" (Final Office Action at page 2).

Fig. 1 provides an exemplary illustration of the claimed "inverter apparatus having a three-phase inverter," and Fig. 7 provides an exemplary illustration of the claimed "three-phase inverter." Moreover, Fig. 6 provides an exemplary illustration of the internal structure of the claimed "simultaneous switching prevention circuit." According to 37 C.F.R. § 1.83(a), "[t]he drawing[s] in a nonprovisional application must show every feature of the invention specified in the claims. However, conventional features disclosed in the description and claims, where their detailed illustration is not essential for a proper understanding of the invention, should be illustrated in the drawing in the form of a graphical drawing symbol or a labeled representation (*e.g.*, a labeled rectangular box)." Applicants submit that the drawings meet the requirements of 37 C.F.R. § 1.83 and request that the Examiner withdraw the objection.

[1] The Final Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Final Office Action.

Applicants respectfully traverse the rejection of claims 1-5 under 35 U.S.C. § 102(b) as anticipated by *Okado*. In order to properly establish that *Okado* anticipates Applicant's claimed invention under 35 U.S.C. § 102, each and every element of each of the claims in issue must be found, either expressly described or under principles of inherency, in that single reference. Furthermore, "[t]he identical invention must be shown in as complete detail as is contained in the ... claim." *See* M.P.E.P. § 2131, quoting *Richardson v. Suzuki Motor Co.*, 868 F.2d 1126, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989).

Claim 1 recites an inverter recording apparatus characterized in that:

> an inverter control portion has a simultaneous switching prevention function of delaying a turn-on operation of each of said switching elements, which correspond to phases other than a phase corresponding to an optional one of said switching elements and also correspond to an electrode opposite to an electrode corresponding to said optional one of said switching elements, by a predetermined time in a case where a turn-on command signal for turning on each of said switching elements, which correspond to the other phases, is generated within a predetermined time period since turn-off of said optional one of said switching elements.

(emphasis added). *Okado* does not disclose each and every element of Applicants' claimed invention.

The Examiner states that correction signal generators 17-19 of *Okado* correspond to the claimed "inverter control portion" and transistors 21-26 of *Okado* correspond to the claimed "switching elements" (Final Office Action at page 3). Applicants respectfully disagree.

As stated in the Reply of February 25, 2008, correction signal generators 17-19 of *Okado* "are provided to receive the outputs of current detectors and to produce voltage correction signals" (col. 4, lines 40-42). The Examiner cites Fig. 11 of *Okado* to

allegedly disclose the claimed "delaying" (Final Office Action at page 3). Fig. 11 depicts a timing chart for the circuit arrangement in Fig. 10. Even assuming that Fig. 11 illustrates a delay, which Applicants do not concede, there is no correlation between the delays in Fig. 11 and the correction signal generators 17-19. Correction signal generators 17-19 do not provide the alleged delay illustrated in Fig. 11.

In the Response to Arguments, the Examiner states, the "structure recited in 'Okado' is substantially identical to that of the claims, claimed properties or functions are presumed to be inherent. Or where the claimed [sic] and prior art products are identical or substantially identical in structure or composition, or are produced by identical or substantially identical processed, a *prima facie* case of either anticipation or obviousness has been established" (Final Office Action at pages 5-6). The Examiner appears to be asserting that correction signal generators 17-19, which allegedly correspond to the claimed "inverter control portion," inherently contain "a simultaneous switching prevention function." This is not correct.

As previously stated, correction signal generators 17-19 "are provided to receive the outputs of current detectors and to produce voltage correction signals." A signal generator does not inherently contain "a simultaneous switching prevention function." On the contrary, a signal generator generates a signal, and one of ordinary skill in the art would recognize that the generation of a signal does not inherently provide for "a simultaneous switching prevention function." *Okado* is silent regarding correction signal generators 17-19 providing a "function of delaying." Therefore, *Okado* does not teach or suggest the claimed combination of elements including, for example, "an inverter

control portion" that has "a simultaneous switching prevention function of delaying a turn-on operation of each of said switching elements," as recited in claim 1.

Accordingly, *Okado* cannot anticipate claim 1. Thus, claim 1 is allowable for these reasons. Independent claims 2 and 3, while of different scope, recite limitations similar to those of claim 1 and are thus allowable over *Okado* for at least the same reasons discussed above in regard to claim 1. Claims 4 and 5 are also allowable at least due to its dependence from any one of claims 1-3.

Regarding the rejection of claims 6-8, dependent from any one of claims 1-3, the Examiner relies on *Sugawara* for allegedly disclosing all elements of claims 6-8 (Office Action at pages 5-6). Even assuming that this is correct, which Applicants do not concede, *Sugawara* does not cure the deficiencies of *Okado*.

Sugawara discloses a semiconductor device comprising "a wide-gap bipolar semiconductor element" (paragraph 0011). *Sugawara* does not teach or suggest the claimed combination of elements including, for example, "an inverter control portion" that "has a simultaneous switching prevention function of delaying a turn-on operation of each of said switching elements," as recited in claim 1, similarly recited in independent claims 2 and 3, and required by dependent claims 6-8.

Therefore, no *prima facie* case of obviousness has been established, and claims 6-8 are also allowable over *Okado* and *Sugawara* for at least the same reasons as claims 1-3.

In view of the foregoing , Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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